

GUIDE FOR THE INFORMATION SEEKERS

HOW TO GET INFORMATION FROM THE PUBLIC AUTHORITIES OF THE CENTRAL GOVERNMENT UNDER THE RIGHT TO INFORMATION ACT, 2005

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FOREWORD

The Right to Information Act, 2005 has converted the prevailing culture of secrecy into a culture of openness and transparency in the working of the Government. It will go a long way in strengthening our democratic institutions, empowering the public, removing corruption and greater involvement of citizens in the development of the nation.

This compilation explains the method of making application for seeking information from the public authorities under the Central Government, the procedure for preparing appeals and the steps for filing complaints in the matter and other related issues. The contents of this document would apply mostly in connection with getting information from the public authorities of the State Governments as well. Nevertheless, since there are different fee rules and appeal rules in different States, the States may like to bring out their own guide on the subject on similar lines.

I wish the Right to Information Act is made use of by the public for larger public good.



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A GUIDE FOR THE INFORMATION SEEKERS UNDER THE RIGHT TO INFORMATION ACT, 2005.

1. Object of the Right to Information Act

The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain” corruption, and make our democracy work for the people in real sense. An informed citizenry will be better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act has created a practical regime through which the citizens of the country may have access to information under the control of public authorities.

2. What is Information

Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

3. Right to Information under the Act

- I. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; taking certified samples of material held by the public authority or held under the control of the public authority.
- II. The public authority under the RTI Act is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. Only such information can be had under the Act which already exists with the public authority.
- III. A citizen has a right to obtain information in the form of diskettes, floppies,

tapes, video cassettes or in any other electronic mode or through print-outs provided information is already stored in a computer or in any other device from which the information may be transferred to diskettes etc.

- IV. The information to the applicant shall ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.
- V. The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. who is also a citizen of India, information shall be supplied to him/her, provided the applicant gives his/her full name. In such cases, it will be presumed that a citizen has sought information at the address of the Corporation etc.

4. Exemptions from Disclosure

- I. The right to seek information from a public authority is not absolute. Sections 8 and 9 of the Act enumerate the categories of information which are exempt from disclosure. At the same time Schedule I of the Act contains the names of the Intelligence and Security Organisations which are exempt from the purview of the Act. The exemption of the organisations, however, does not cover supply of information relating to allegations of corruption and human rights violations.
- II. The applicants should abstain from seeking information which is exempt under Section 8 and 9 and also from the organizations included in the Second Schedule except information relating to allegations of corruption and human rights violations.

5. Central Public Information Officers

Application for seeking information should be made to an officer of the public authority who is designated as Central Public Information Officer (CPIO). All the public authorities have designated their Central Public Information Officers and have posted their particulars on their respective web-sites. This information is also available on the 'RTI PORTAL' (www.rti.gov.in). Persons seeking information are advised to refer to the web-site of the

concerned public authority or the “RTI PORTAL’ for ascertaining the name of the concerned CPIO. If it is found difficult to identify or locate the concerned Central Public Information Officer of a public authority, application may be sent to the Central Public Information Officer without specifying the name of the CPIO at the address of the public authority.

6. Assistance Available From CPIOs

The Central Public Information Officer shall render reasonable assistance to the persons seeking information. If a person is unable to make a request in writing, he may seek the help of the CPIO to write his application. Where a decision is taken to give access to a sensorily disabled person to any document, the Central Public Information Officer, shall provide such assistance to enable access to information, including providing such assistance to the person as may be appropriate for the inspection.

7. Suo Motu Disclosure

The Act makes it obligatory for every public authority to make suo-motu disclosure in respect of the particulars of its organization, functions, duties etc. as provided in section 4 of the Act. Besides, some public authorities under the Central Government have published other information and have posted them on their websites.

8. Method of Seeking Information

A citizen who desires to obtain any information under the Act, should make an application to the Central Public Information Officer (CPIO) of the concerned public authority in writing in English or Hindi or in the official language of the area in which the application is made. The applicant can send the application by post or through electronic means or can deliver it personally in the office of the public authority. The application can also be sent through a Central Assistant Public Information Officer appointed by the Department of Post at sub-divisional level or other sub-district level.

9. Fee for Seeking Information

- I. The applicant, along with the application, should send a demand draft or a banker’s cheque or an Indian Postal Order of Rs.10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Accounts Officer of the public authority or to the Central Assistant Public Information Officer against proper receipt.

II. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the CPIO as prescribed by the Right to Information (Regulation of Fee and Cost) Rules, Rates of fee as prescribed in the Rules are given below :

- (a) rupees two (Rs. 2/-) for each page (in A-4 or A-3 size paper) created or copied,
- (b) actual charge or cost price of a copy in larger size paper;
- (c) actual cost or price for samples or models;
- (d) for inspection of records, no fee for the first hour; and a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof);
- (e) for information provided in diskette or floppy rupees fifty (Rs.50/-) per diskette or floppy; and
- (f) for information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

III. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs.10/- or proof of the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act and therefore, does not entitle the applicant to get information.

10. Format of Application

There is no prescribed form of application for seeking information. The application can be made on plain paper. The application should, however, have the name and complete postal address of the applicant. Even in cases where the information is sought electronically, the application should contain name and postal address of the applicant.

I. The information seeker is not required to give reasons for seeking information.

11. Disposal of the Request

I. The CPIO is required to provide information to the applicant within thirty days of the receipt of a valid application. If the information sought for concerns the life or liberty of a person, the information shall be provided within forty-eight hours of the receipt of the request. If the CPIO is of the view that the information sought for cannot be supplied under the provisions of the Act, he would reject the application. However, while rejecting

the application, he shall inform the applicant the reasons for such rejection and the particulars of the appellate authority. He would also inform the applicant the period within which appeal may be preferred.

- II. If an applicant is required to make payment for obtaining information, in addition to the application fee, the Central Public Information Officer would inform the applicant about the details of further fees alongwith the calculation made to arrive at the amount payable by the applicant. After receiving such a communication from the CPIO, the applicant may deposit the amount by way of cash against proper receipt or by Demand Draft or by Banker's cheque or by Indian Postal Order in favour of the Accounts Officer of the concerned public authority. The CPIO is under no obligation to make available the information if the additional fee intimated by him is not deposited by the applicant.
- III. Where an additional fee is required to be paid, the period intervening between the dispatch of the intimation regarding payment of additional fee and payment of fee by the applicant shall be excluded for the purpose of computing the period of thirty days within which the CPIO is required to furnish the information.
- IV. If the CPIO fails to send decision on the request on the information within the period of thirty days or forty-eight hours, as the case may be, the information may be deemed to have been refused. |

12. First Appeal

- I. If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the CPIO. Such an appeal, should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the CPIO is received.
- II. The appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

13. Second Appeal

- I. If the appellate authority fails to pass an order on the appeal within the- prescribed period or if the appellant is not satisfied with the order of the first appellate

authority, he may prefer a second appeal with the Central Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant. The appeal made to the Central Information Commission should contain the following information: -

- a) Name and address of the appellant;
- b) Name and address of the Central Public Information Officer against the decision of whom the appeal is preferred;
- c) Particulars of the order including number, if any, against which the appeal is preferred;
- d) Brief facts leading to the appeal;
- e) If the appeal is preferred against deemed refusal, particulars of the application, including number and date and name and address of the Central Public Information Officer to whom the application was made;
- f) Prayer or relief sought;
- g) Grounds for prayer or relief,
- h) Verification by the appellant; and
- i) Any other information, which the Commission may deem necessary for deciding the appeal.

II. The appeal made to the Central Information Commission should be accompanied by the following documents:

- a) Self-attested copies of the orders or documents against which appeal is made;
- b) Copies of the documents relied upon by the appellant and referred to in the appeal; and
- c) An index of the documents referred to in the appeal.

14. Complaints

If any person is unable to submit a request to a Central Public Information Officer either by reason that such an officer has not been appointed by the concerned _public authority; or the Central Assistant Central Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Central Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RT] Act; or he has not been given a response to a request for information within the time limit specified in the

Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Central Information Commission.

15. Disposal of Appeals and Complaints by the CIC

The Central Information Commission decides the appeals and complaints and conveys its decision to the appellant/complainant and first appellate authority/CPIO. The Commission may decide an appeal/complaint after hearing the parties to the appeal/complaint or by inspection of documents produced by the appellant/complainant and CPIO or such senior officer of the public authority who decided the first appeal. If the Commission chooses to hear the parties before deciding the appeal or the complaint, the Commission will inform of the date of hearing to the appellant or the complainant at least seven clear days before the date of hearing, The appellant/complainant has the discretion to be present in person or through his authorized representative at the time of hearing or may opt not to be present.

16. Important Web-sites

Given below are the addresses of some important web-sites which contain substantial information relevant to the right to information:

- I. Portal of the Government of India (<http://indiaimage.nic.in>).
- II. Portal on the Right to Information (www.rti.gov.in).
- III. Website of the Central Information Commission (<http://cic.gov.in>).
